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2006 FEB -6 P 4: 01

U.S. DISTRICT COURT
 DISTRICT OF NEVADA

KRONENBERGER & ASSOCIATES
 Karl S. Kronenberger (CA Bar No. 226112) (*Pro Hac Vice*)
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CLERK OF COURT
 DEPUTY

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY
 (CAYMAN) LTD., a Cayman Islands
 company,**

Case No. CV-S-05-0848-BES

Plaintiff,

**PLAINTIFF'S MOTIONS FOR:
 (1) ALTERNATIVE SERVICE;
 (2) LIFTING SEAL ORDER;**

vs.

**MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT**

**SABA UNIVERSITY SCHOOL OF
 MEDICINE FOUNDATION, a
 Netherland-Antilles company, et al,**

Defendants.

FILED UNDER SEAL

Plaintiff ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD. ("ST. MATTHEW'S"), through its attorneys, hereby brings this motion for alternative service of summons upon Defendants Thomas Moore, M.D. a.k.a. "presaaimg@hotmail.com" ("MOORE"), Sarah Weinstein a.k.a. "execsecaaimg@hotmail.com" ("WEINSTEIN"), and Rachael Silver ("SILVER") (collectively, the "Respondent Defendants"), each of them officers of Defendant Association of American International Medical School Graduates, Inc.

1 ("AAIMG"), a Nevada corporation, in any of the following means: by publication pursuant
 2 to the Federal Rules of Civil Procedure 4(e)(1), and Nevada Rules Of Civil Procedure,
 3 Rule 4(e)(1); by service upon their designated agent, VAL-U-CORP Services, Inc. of
 4 Carson City, Nevada; by email service via the email addresses which are the only known
 5 means of contact with those Defendants; or by service upon counsel for Defendant
 6 AAIMG, of which Respondent Defendants are the only officers.

7 Secondly, Plaintiff ST. MATTHEW'S moves to lift the present seal order entered by
 8 the Court on July 19, 2005, granted upon Plaintiff's *ex parte* motion, as the purpose of the
 9 Seal Order has been served. Furthermore, lifting of the seal order is necessary to
 10 effectuate the alternative service sought in the foregoing motion.

11 These motions are brought pursuant to the Federal Rules of Civil Procedure, Rule
 12 4(e)(1) and (2), the Nevada Rules of Civil Procedure, Rule (4)(e)(1), and the inherent
 13 power of the Court, and based upon this notice, the attached memorandum in support,
 14 the Affidavit of Karl S. Kronenberger (filed herewith), any papers in reply, Plaintiff's First
 15 Amended Complaint filed October 28, 2005 ("FAC") and Ex Parte Motions for 1.
 16 Preservation order, 2. Expedited discovery, 3. Filing under seal, and 4. Consolidated
 17 Hearings filed July 15, 2005 ("Consolidated Ex Parte Motions") in the case, and any
 18 argument or evidence offered upon hearing had on the matter.

19 DATED: February 6, 2006.

KRONENBERGER & ASSOCIATES

20 By: 

21 Karl S. Kronenberger
 22 Terri R. Hanley
 23 Attorneys for Plaintiff
 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD

24 DATED: February 6, 2006.

GREENBERG TRAURIG LLP

25 By: 

26 Mark G. Tratos
 27 F. Christopher Austin
 28 Ronald D. Greer, Jr.
 Designated Local Counsel for Plaintiff
 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT

I. MOTION FOR ALTERNATIVE SERVICE OF SUMMONS

As Respondent Defendants have not provided actual business or residential addresses to the State of Nevada, as extensive investigation has failed to locate or verify the existence or location of these identities, as Plaintiff has alleged that such identities are the fraudulently assumed identities of Defendants Patricia Hough ("HOUGH") and David Fredrick ("FREDRICK"), and as service of these identities in the present litigation is necessary for purposes of discovery and obtaining jurisdiction for judgment, Plaintiff ST. MATTHEW'S moves the Court for an order allowing alternative service of summons on Defendants MOORE, WEINSTEIN, and SILVER, as follows.

Every effort has been made by Plaintiff to serve by other available means. Michael P. Angelini of Bowditch & Dewey, LLP in Worcester, Massachusetts and opposing local counsel Nathan Reinmiller of Alverson Taylor Mortensen & Sanders, in Las Vegas, Nevada, have stated to signing counsel for Plaintiff Karl S. Kronenberger, and Ronald D. Green, that Mr. Angelini and Mr. Reinmiller represent only Defendants HOUGH, FREDRICK, and AAIMG. Additionally, Mr. Angelini has refused to accept service on behalf of any party related to this action. Plaintiff is left with no option but the relief sought in the present motion.

As relevant background, and as alleged in detail in Plaintiff's First Amended Complaint filed October 28, 2005 ("FAC"), incorporated herein by reference, Defendants MOORE, WEINSTEIN, and SILVER are the stated officers of Defendant AAIMG, a Nevada Corporation, and are individually named in the present suit. (FAC, Ex. G; Declaration of Karl S. Kronenberger ("KSK Decl."), ¶ 1, 2.) The allegations pertaining to Defendants' fraudulent and evasive conduct contained in the FAC, and documentary evidence thereof, were also presented to the Court in Plaintiff's Ex Parte Motions for: 1. Preservation order, 2. Expedited discovery, 3. Filing under seal, and 4. Consolidated Hearings ("Consolidated Ex parte Motions"), filed on July 12, 2006, incorporated herein by reference.

1 The FAC and Consolidated Ex parte Motions allege and evidence the following,
 2 establishing Defendants' evasion and unavailability for service:

3 • That Respondent Defendants are listed in documents filed with the
 4 Secretary of State of Nevada as the officers of Defendant AAIMG;

5 • That the addresses provided by each of Defendants MOORE, WEINSTEIN,
 6 and SILVER are that of AAIMG's registered agent for service, Val-U-Corp Services, Inc,
 7 of Carson City, Nevada ("VAL-U-CORP") – the listed and advertised operating address of
 8 Defendant AAIMG;

9 • That extensive independent investigation at great cost to Plaintiff could not
 10 verify that Defendants MOORE, WEINSTEIN, or SILVER are present in the state of
 11 Nevada, or elsewhere in the territorial United States;

12 • That extensive independent investigation was conducted to ascertain the
 13 full identities and locations of MOORE, WEINSTEIN, and SILVER, to no avail;

14 • That investigation and responses to subpoenas have shown that MOORE,
 15 WEINSTEIN, and SILVER are actually the fabricated or, alternatively, the assumed
 16 identities of Defendants David L. Fredrick ("FREDRICK") and Patricia L. Hough, M.D.
 17 ("HOUGH"), owners and officers of Defendant Saba University School of Medicine
 18 Foundation ("SABA");

19 • That email, domain registration, and web hosting service accounts are held
 20 in, or administered under, the names of Defendants MOORE, WEINSTEIN, and SILVER;

21 • That official, sworn documents have been filed with the State of Nevada
 22 listing the names of Defendants MOORE, WEINSTEIN, and SILVER, and stating their
 23 addresses to be that of VAL-U-CORP's, signed and sworn by SILVER;

24 • That credit card transactions have been completed under the name and by
 25 the signature of Defendant MOORE, including the payment of corporate fees to the State
 26 of Nevada through AAIMG's registered agent VAL-U-CORP;

27 • That Respondent Defendants have historically and routinely corresponded
 28 using the email addresses "execsecaaimg@hotmail.com", and presaaimg@hotmail.com;

1 • That Plaintiff, counsel for Plaintiff¹, and various third parties have received
 2 and sent email correspondence from and to each of Defendants MOORE, WEINSTEIN,
 3 and SILVER at the email addresses "execsecaaimg@hotmail.com", and
 4 "presaaimg@hotmail.com."

5 (KSK Decl.; FAC, pp. 16-20.)

6 **A. The Court should authorize service by publication under the Federal and**
 7 **Nevada Rules of Civil Procedure 4(e)(1).**

8 **1. Such service is authorized pursuant to Federal and State Rules.**

9 Fed. Rules of Civ. Proc. 4(e)(1) allows for service upon individual defendants
 10 before a district court "pursuant to the law of the state in which the district court is
 11 located[.]" As Defendants appearing before this Court, service may therefore be
 12 effectuated upon MOORE, WEINSTEIN, and SILVER pursuant to the laws of the State of
 13 Nevada. *Id.*

14 Nevada Rules of Civil Procedure, Rule (4)(e)(1) states in relevant part as follows:

15 **(i) General.** In addition to methods of personal service, when the
 16 person on whom service is to be made . . . has departed from the
 17 state, or cannot, after due diligence, be found within the state, or by
 18 concealment seeks to avoid the service of summons, and the fact
 19 shall appear, by affidavit, to the satisfaction of the court or judge
 20 thereof, and it shall appear, either by affidavit or by a verified
 complaint on file, that a cause of action exists against the
 defendant in respect to whom the service is to be made, and that
 the defendant is a necessary or proper party to the action, such
 court or judge may grant an order that the service be made by the
 publication of summons.

21 As shown below, the Respondent Defendants qualify for such service, as they cannot be
 22 located after an exhaustive search, are the subjects of valid causes of action, and are
 23 necessary parties.

24 **2. Defendants MOORE, WEINSTEIN, and SILVER have sought to**
 25 **avoid service by concealment, and cannot, after due diligence, be found**
 26

27 ¹ Signing counsel for Plaintiff, Karl S. Kronenberger, personally received emails from
 28 Defendants WEINSTEIN and SILVER using the referenced email accounts respectively.
 (See KSK Decl., ¶ 11.)

1 **within the state or elsewhere, and requests for waivers of services have not**
 2 **been returned.**

3 As indicated above, and as detailed in Plaintiff's FAC, Respondent Defendants, on
 4 their own or as their alter egos, have taken great pains to hide their identities and
 5 locations. As explained in Plaintiff's Consolidated Ex Parte Motions, extensive and costly
 6 independent investigation has not been able to verify the existences or locations of the
 7 MOORE, WEINSTEIN, or SILVER personas.

8 At time of filing, no response has been received to the Notice and
 9 Acknowledgement of Service of Summons for Respondent Defendants sent to the VAL-
 10 U-CORP address on January 25, 2006, and delivered on January 26, 2006. (KSK Decl.,
 11 ¶ 12.)

12 **3. By verified complaint, a cause of action exists against Defendants**
 13 **MOORE, WEINSTEIN, and SILVER, and those Defendants are necessary and**
 14 **proper parties to this action.**

15 As stated above, the remaining requirements of Nev. R. Civ. Proc. 4(e)(1) are met.
 16 By verified complaint, Defendants MOORE, WEINSTEIN, and SILVER as named as to all
 17 eight causes of action plead. (FAC, pp. 36-41.) Crucial email, credit card, domain, and
 18 web hosting accounts are held under the names of Defendants MOORE, WEINSTEIN,
 19 and SILVER. (*Id.*, p. 17.) As such, service upon these Defendants, to obtain proper
 20 jurisdiction, and to pursue discovery against accounts held in those names, is necessary
 21 for the just and proper resolution of the present case.

22 **B. The Court should find that Respondent Defendants have designated VAL-**
 23 **U-CORP as their agent for service pursuant to Fed. Rules of Civ. Proc. 4(e)(2).**

24 As stated above, Respondent Defendants have indicated in Defendant AAIMG's
 25 corporate documents in a signed, sworn statement in by Defendant SILVER, that their
 26 addresses are that of Val-U-Corp Services, Inc., of Carson City, Nevada – the resident
 27 agent for service of process for Defendant AAIMG. (FAC, Exhibit G; KSK Decl., ¶¶ 1-2.)
 28 As such, Plaintiff moves for an order establishing that such sworn statements constitute

1 MOORE, WEINSTEIN, and SILVER's designation by appointment or law of VAL-U-CORP
 2 as their agent authorized or appointed by law under Fed. Rules of Civ. Proc. 4(e)(2), such
 3 that service of summons may be effectuated upon them by personal delivery to VAL-U-
 4 CORP.

5 **C. Plaintiff should be allowed to serve summons upon Defendant AAIMG's**
 6 **counsel in the present case, of which Respondent Defendants are officers.**

7 Plaintiff asks the Court allow service upon Defendants MOORE, WEINSTEIN and
 8 SILVER upon counsel for Defendant AAIMG, of which Respondent Defendants are
 9 officers. (See FAC, Eg. G.) Opposing local counsel Nathan Reinmiller, of Alverson
 10 Taylor Mortensen & Sanders, in Las Vegas, Nevada, has stated to signing local counsel
 11 for Plaintiff Ronald D. Green of Greenberg Traurig, LLP, in Las Vegas, Nevada, that his
 12 firm represents served Defendants HOUGH, FREDRICK, and AAIMG in the present
 13 case. As AAIMG's designated agent for service, the Court should find that counsel for
 14 AAIMG in the present action is the designated agent for service of Defendants MOORE,
 15 WEINSTEIN, and SILVER, who are officers of AAIMG. See Fed. Rules of Civ. Proc.
 16 4(e)(2).

17 **D. Plaintiff should be allowed to serve Respondent Defendants by email at**
 18 **the addresses which are their only known operating contacts.**

19 Alternatively, Plaintiff should be allowed to serve summons upon Respondent
 20 Defendants by email, to their known email addresses, which are the only known working
 21 contacts for Defendants MOORE, WEINSTEIN and SILVER. As alleged in the FAC and
 22 Consolidated Ex Parte Motions, Plaintiff and signing counsel for Plaintiff have personally
 23 received email correspondence from the Respondent Defendants via the email addresses
 24 "presaaimg@hotmail.com" and "execsecaaimg@hotmail.com," to include both
 25 WEINSTEIN and SILVER using the "execsecaaimg@hotmail.com" address (KSK Decl.,
 26 ¶¶ 9-11, Exs. A, B.)

1 **E. CONCLUSION**

2 Every effort has been made by Plaintiff at great expense to effectuate service upon
 3 Defendants in this action by every means available, including requests for return of
 4 waiver of service that have been refused and ignored. Extensive search has failed to
 5 locate Defendants MOORE, WEINSTEIN and SILVER, and Defendants have actively
 6 evaded service and concealed their whereabouts and alter egos by fraud and
 7 concealment.

8 **THEREFORE**, Plaintiff ST. MATTHEW's hereby moves the Court for an order
 9 allowing for service of summons in the present case upon Defendants MOORE,
 10 WEINSTEIN, and SILVER by publication in the area of Carson City, Nevada pursuant to
 11 the Federal Rules of Civil Procedure 4(e)(1), and Nevada Rules Of Civil Procedure, Rule
 12 4(e)(1); by service upon their designated agent, VAL-U-CORP Services, Inc. of Carson
 13 City, Nevada; by email communication to the email addresses which are the only known
 14 means of contact with those Defendants; or by service upon counsel for Defendant
 15 AAIMG, of which Respondent Defendants are the only officers, as set forth in the
 16 proposed order filed herewith.

17
 18 **II. MOTION TO LIFT SEAL ORDER**

19 That the above sought alternative service may be had, Plaintiff requests that the
 20 Court lift the seal placed by order of the Court entered July 19, 2005 ("Seal Order").

21 **BACKGROUND**

22 Upon hearing had on July 15, 2005, this Court issued the following orders in
 23 connection with Plaintiff's Complaint filed in the case, the last of which is the subject of
 24 the present petition:

- 25 ▪ **Preservation Order:** an order preserving now-existing electronic evidence in
 26 the possession, custody and/or control of non-parties, which is subject to
 27 intentional, inadvertent, and/or automated deletion;

- 1 ▪ **Expedited Discovery Order:** allowing the immediate discovery of identifying
- 2 information through third-party subpoenas, required for the full and accurate
- 3 identification and location of defendants, which was issued upon the posting of
- 4 a \$10,000.00 bond with the Court; and
- 5 ▪ **Order for Filing Under Seal:** ordering that any and all papers submitted in the
- 6 case, as well as the case docket and any orders issued, shall be filed and kept
- 7 under seal, to protect against notice of this action to as yet unidentified parties
- 8 and non-parties shown to be highly likely to destroy evidence or evade service,
- 9 discovery and identification, pending the identification and service of the
- 10 Defendants in this case, or “until such time this Court deems proper to lift such
- 11 seal, or upon motion properly brought and granted. (Seal Order, pp. 15-16.)

12 Plaintiff sought and was granted the above motions on an *ex parte* basis, good
 13 cause having been shown and found therefore. Orders on the above motions were
 14 entered on July 19, 2005 in the form submitted with the motions.

15 Since these orders were issued, Plaintiff has conducted the discovery sought
 16 pursuant to the Expedited Discovery Order, and the Preservation Order has been
 17 provided to and effectuated by the third-party subjects of the subpoenas served.

18 On October 28, 2005, pursuant to the above-referenced discovery results, Plaintiff
 19 ST. MATTHEW's filed its First Amended Complaint, adding as Defendants to the present
 20 case the following parties:

- 21 ▪ SABA UNIVERSITY SCHOOL OF MEDICINE FOUNDATION, a
- 22 Netherland-Antilles company;
- 23 ▪ PATRICIA L. HOUGH, M.D. an individual, and d.b.a. “Saba
- 24 University School of Medicine”;
- 25 ▪ DAVID L. FREDRICK, an individual;
- 26 ▪ MEDICAL UNIVERSITY OF THE AMERICAS, a St. Kitts &
- 27 Nevis company;

- all of which discovery results showed to be the true and operating identities of the originally named Defendants, who remain subject to this suit.

A. The purpose of the Seal Order has been served.

The purpose of the Seal Order has been served, in that it was entered "pending the identification and service of all proper Defendants to this case[.]" (See Seal Order, pp. 15-16.) Plaintiff ST. MATTHEW's is satisfied that it has substantially identified those persons and entities responsible for the fraud and other conduct alleged in its original and First Amended Complaints. Furthermore, Plaintiff has successfully located all such named Defendants and has either effectuated service or is in the process of doing so. As such, the purpose of the Seal Order has been served, and it is therefore no longer necessary.

B. The Seal Order frustrates Plaintiff's need to serve entity and evasive Defendants by publication and alternative means.

Furthermore, the present Seal Order provides a barrier to the Plaintiff's service of certain Defendants by publication or alternative means. Defendants Hough and Fredrick, both agents of all named entity Defendants, are presently acting to evade effectuation of service upon them in that capacity, although both have been served personally pursuant to Massachusetts state law. Those Defendants have refused to return Notices and Acknowledgements of Service. Counsel for Defendants Hough and Fredrick has repeatedly refused to accept service of their behalf, though in active discussions with Counsel for Plaintiff. As such, Plaintiff must effectuate service upon such entity Defendants by publication or alternative means as allowed by applicable State and

1 Federal rules and laws. Such service is, however, prohibited by the non-disclosure
2 provisions of the present Seal Order.

3 **THEREFORE**, Plaintiff ST. MATTHEW's, as the initial movant for such seal order,
4 hereby petitions the Court to lift the Seal Order presently in force, and allow for full public
5 access to and disclosure of all case files, registers, and information, as reflected in the
6 proposed order filed herewith.

7
8 DATED: February 6, 2006.

KRONENBERGER & ASSOCIATES

9
10 By: 

11 Karl S. Kronenberger
12 Terri R. Hanley
13 Attorneys for Plaintiff
ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

14 DATED: February 6, 2006.

GREENBERG TRAURIG, LLP

15
16 By: 

17 Mark G. Tratos
18 F. Christopher Austin
19 Ronald D. Greer, Jr.
20 Designated Local Counsel for Plaintiff
ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

FILED UNDER SEAL

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY
(CAYMAN) LTD., a Cayman Islands
company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF
MEDICINE FOUNDATION, a
Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

**DECLARATION OF KARL S.
KRONENBERGER IN SUPPORT OF
PLAINTIFF'S MOTION FOR:
(1) ALTERNATIVE SERVICE;
(2) LIFTING SEAL ORDER**

FILED UNDER SEAL

I, Karl S. Kronenberger, counsel of record for Plaintiff St. Matthew's University School of Medicine ("ST. MATTHEW'S") in the above-captioned action, do swear and state the following:

1. That Respondent Defendants are listed in documents filed with the Secretary of State of Nevada as the officers of Defendant AAIMG, as shown in Exhibit G to Plaintiff's First Amended Complaint ("FAC"), filed October 28, 2005.

1 2. That the addresses provided by each of Defendants MOORE, WEINSTEIN,
2 and SILVER are that of AAIMG's registered agent for service, Val-U-Corp Services, Inc,
3 of Carson City, Nevada ("VAL-U-CORP")(FAC, Exhibit G), which is also listed and
4 advertised as the operating address of AAIMG.

5 3. That an extensive independent investigation at great cost to Plaintiffs could
6 not verify that MOORE, WEINSTEIN, or SILVER were present in the state of Nevada, or
7 elsewhere in the territorial United States.

8 4. That an extensive independent investigation was conducted to ascertain the
9 full identities and locations of MOORE, WEINSTEIN, and SILVER , to no avail.

10 5. That discovery has shown that MOORE, WEINSTEIN, and SILVER are
11 actually the fabricated, or alternatively, the assumed identities of Defendants David L.
12 Fredrick ("FREDRICK") and Patricia L. Hough, M.D. ("HOUGH"), owners and officers of
13 Defendant Saba University School of Medicine Foundation ("SABA").

14 6. That email, domain registration, and web hosting service accounts are held
15 in, or administered under, the names of Defendants MOORE, WEINSTEIN, and SILVER.

16 7. That official, sworn documents related to AAIMG have been filed with the
17 State of Nevada listing the names of Defendants MOORE, WEINSTEIN, and SILVER,
18 signed by SILVER.

19 8. That credit card transactions have been completed under the name and by
20 the signature of Defendant MOORE, including the payment of corporate fees to the State
21 of Nevada through AAIMG's registered agent VAL-U-CORP.

22 9. That Respondent Defendants have historically and routinely corresponded
23 using the email addresses "execsecaaimg@hotmail.com", and
24 "presaaimg@hotmail.com."

25 10. That Plaintiff and various third parties have received and sent email
26 correspondence from and to each of the Defendants MOORE, WEINSTEIN, and SILVER
27 at the email addresses "execsecaaimg@hotmail.com", and "presaaimg@hotmail.com".
28

1 11. I have personally received emails from Defendants WEINSTEIN and
2 SILVER using the referenced email accounts respectively, which are attached to this
3 declaration at Exhibits A and B.

4 12. At time of filing, though Notice and Acknowledgement of Service of
5 Summons for Defendants MOORE, WEINSTEIN and SILVER was sent to the VAL-U-
6 CORP address on January 25, 2006, and delivered on January 26, 2006, and no
7 response has been received.

8 13. Lastly, every effort has been made by Plaintiff to serve by other available
9 means. Michael P. Angelini of Bowditch & Dewey, LLP in Worcester, MA and opposing
10 local counsel Nathan Reinmiller of Alverson Taylor Mortensen & Sanders in Las Vegas,
11 Nevada, have stated to me that Angelini and Reinmiller represent only Defendants
12 HOUGH, FREDRICK, and AAIMG. Additionally, Angelini has refused to accept service
13 on behalf of any party related to this action.

14
15 I swear and affirm under penalty of perjury that the above information is true and
16 correct.

17 Dated: February 6, 2006.

KARL S. KRONENBERGER

18
19
20 Karl S. Kronenberger
21 Attorney for Plaintiff
22 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.
23
24
25
26
27
28

Karl S. Kronenberger

From: Thomas Moore [aaimg@yahoo.com]
Sent: Wednesday, September 28, 2005 2:05 PM
To: karl@kronenbergerlaw.com
Cc: jthornton@smucayman.com
Subject: Case # CV-S-05-0848-RCJ-AAIMG

Dear Sir:

Please be informed that since the death of Dr. Moore there have been some delays in recovering mail sent to Nassau. AAIMG has transferred all intellectual property to another entity and will no longer be located in Nevada.

Sincerely,
Rachael Silver

Yahoo! Mail - PC Magazine Editors' Choice 2005 <http://mail.yahoo.com>

Karl S. Kronenberger

From: sarah weinstein [execsecaaimg@hotmail.com]
Sent: Wednesday, September 28, 2005 2:08 PM
To: info@kronenbergerlaw.com
Subject: AAIMG Litigation

Dear Mr. Kronenberger:

With the passing of Dr. Moore, AAIMG functions in Nevada have been dissolved and have been assumed by a new party.

Yours truly,

Sarah Weinstein

2/3/2006

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
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**ST. MATTHEW'S UNIVERSITY
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Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF
MEDICINE FOUNDATION, a
Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

CERTIFICATE OF SERVICE

FILED UNDER SEAL

CERTIFICATE OF SERVICE

I am a resident of the state of California, over the age of eighteen years and not a party to this action. My business address is 220 Montgomery Street, Suite 1920, San Francisco, California, 94104.

On February 6, 2006, I served the following document(s):

1. PLAINTIFF'S MOTION FOR: (1) ALTERNATIVE SERVICE; (2) LIFTING SEAL ORDER; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT;
2. DECLARATION OF KARL S. KRONENBERGER IN SUPPORT OF PLAINTIFF'S MOTION FOR: (1) ALTERNATIVE SERVICE; (2) LIFTING SEAL ORDER;
3. [PROPOSED] ORDER TO LIFT SEAL
4. [PROPOSED] ORDER FOR ALTERNATIVE SERVICE

on the parties listed below as follows:

MICHAEL P. ANGELINI, ESQ

Bowditch & Dewey, LLP
311 Main Street
P.O. Box 15156
Worcester, MA 01615-0156
Fax: (508) 798-3537

NATHAN REINMILLER, ESQ

Alverson Taylor Mortensen & Sanders
7401 West Charleston Blvd
Las Vegas, NV 89117
Fax: (702) 385-7000

☐

BY FACSIMILE MACHINE (FAX), by personally transmitting a true copy thereof via an electronic facsimile machine to the fax number listed herein.

☒

BY FIRST CLASS MAIL, by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, for collection and mailing, in San Francisco, California, following ordinary business practices, which is deposited with the US Postal Service the same day as it is placed for processing.

☐

BY PERSONAL SERVICE, by personally hand delivering a true copy thereof to the addressee(s) listed herein at the location listed herein.

☐

BY OVERNIGHT DELIVERY containing a true copy thereof to the addressee(s) listed herein at the location listed herein.

☐

BY EMAIL to the addresses listed above.

☐

(State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Jonathan S. Tam

CERTIFICATE OF SERVICE

FILED UNDER SEAL

GREENBERG TRAUIG LLP
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F. Christopher Austin (Bar No. 6559)
Ronald D. Green, Jr. (Bar No. 7360)
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San Francisco, California 94104
Tel: (415) 955-1155
Fax: (415) 955-1158

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY
(CAYMAN) LTD., a Cayman Islands
company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF
MEDICINE FOUNDATION, a
Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

**AFFIDAVIT OF SERVICE OF
SUMMONS AND FIRST AMENDED
COMPLAINT ON DEFENDANT
ASSOCIATION OF AMERICAN
INTERNATIONAL MEDICAL
GRADUATES, INC.**

FILED UNDER SEAL

02/06/2006 11:01 2065212875
FEB-06-2006(MON) 10:10

RENO/CARSON MESSENGER SERVICE

ABC LEGAL SERVICES

(FAX) 775 322 3408

PAGE 02/02

P. 002/002

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Page 1 of 2

UNITED STATES DISTRICT COURT, DISTRICT OF NEVADA

ST. MATTHEWS UNIVERSITY (CAYMAN) LTD.
A CAYMAN ISLANDS COMPANY

Plaintiff/Petitioner

Hearing Date:

CAUSE NO.
CV-05-0848-RCJvs.
SABA UNIVERSITY SCHOOL OF MEDICINE
FOUNDATION, A NETHERLAND-ANTILLES
COMPANY; ET AL.

Defendant/Respondent

AFFIDAVIT OF SERVICE OF:
SUMMONS; AMENDED COMPLAINT

The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the 26th day of January, 2006, at 1:30 PM, at the address of 1802 N CARSON Street #212, CARSON CITY, Carson City County, NV; this affiant served the above described documents upon ASSOCIATION OF AMERICAN INTERNATIONAL MEDICAL GRADUATES, INC A NEVADA CORPORATION, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with PHILLIP E. PATTON, MANAGER OF THE OFFICE OF VAL-U-SERVICES, INC., RESIDENT AGENT for Association of American International Medical Graduates, Inc.,.

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

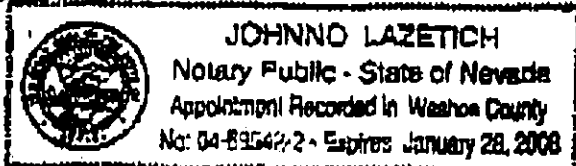
Affiant hereby states under penalty of perjury under the laws of the State of Nevada that the statement above is true and correct.


WADE MORLAN

SUBSCRIBED AND SWORN to before me this 6th day of February, 2006


NOTARY PUBLIC in and for the State of Nevada
ABC's Client Name
Kronenberg & AssociatesORIGINAL PROOF OF
SERVICE

ABC Tracking #: 3828181



FILED UNDER SEAL

GREENBERG TRAURIG LLP

Mark G. Tratos (Bar No. 1086)
F. Christopher Austin (Bar No. 6559)
Ronald D. Green, Jr. (Bar No. 7360)
3773 Howard Hughes Parkway, Ste. 500 N
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KRONENBERGER & ASSOCIATES

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY
(CAYMAN) LTD., a Cayman Islands
company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF
MEDICINE FOUNDATION, a
Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

**AFFIDAVIT OF SERVICE OF
SUMMONS AND FIRST AMENDED
COMPLAINT ON DEFENDANT DAVID
L. FREDRICK**

FILED UNDER SEAL

AFFIDAVIT OF SERVICE

PROOF OF SERVICE OF SUMMONS AND COMPLAINT

Case Number: Case No. CV-S-05-0848-RCJ(LRL)

I certify that I am authorized to serve the summons and complaint in the within action pursuant to F.R.Civ.P. 4(c) and that I served the summons and complaint as follows:

Person served and details of service:

David L. Fredrick
74 Edgell Road
Gardner, Massachusetts 01440

Date and time of service: 2/8/06 1:00 PM

In the following manner:

PERSONAL SERVICE

☐

PERSONAL SERVICE, by handing copies to the person served (F.R.Civ.P.4(d)).

SUBSTITUTED SERVICE

☐

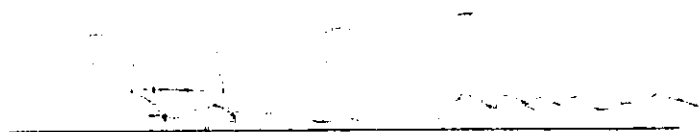
UPON AN INDIVIDUAL OTHER THAN AN INFANT OR AN INCOMPETENT PERSON, by delivering a copy of the summons and complaint to him ~~personally~~ or by leaving copies thereof at his dwelling house or usual place of abode, and mailing a copy via first class mail to the same address, in a manner consistent with Massachusetts Rule of Civil Procedure 4.4(1), pursuant to Fed. Rule of Civ. Proc. 4.

I declare under penalty of perjury that the foregoing document is true and correct.

Executed at _____, State of Massachusetts.

Dated: _____

By:



Name:

Title:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF WORCESTER

AFFIDAVIT OF SERVICE

I, James J. Bankowski, being first duly sworn on oath deposes and says: That I am a citizen of the United States over the age of 21 years; that I have no interest whatsoever in the within entitled matter; that I am a regularly appointed Deputy Sheriff of Worcester County, Massachusetts, and as such have the power to serve civil processes within the said County.

Subscribed and sworn to before me at Worcester, in the County of Worcester, State of Massachusetts, this 1st day of February, 2006.

James J. Bankowski
Deputy Sheriff
Worcester County, Massachusetts

Nancy P. Bankowski
Notary Public

Date:

Nancy P. Bankowski
Nancy P. Bankowski
Notary Public
My Commission Expires: 10/22/10

FILED UNDER SEAL

GREENBERG TRAUIG LLP

Mark G. Tratos (Bar No. 1086)
F. Christopher Austin (Bar No. 6559)
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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY
(CAYMAN) LTD., a Cayman Islands
company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF
MEDICINE FOUNDATION, a
Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

**AFFIDAVIT OF SERVICE OF
SUMMONS AND FIRST AMENDED
COMPLAINT ON DEFENDANT
PATRICIA L. HOUGH, M.D.**

FILED UNDER SEAL

PROOF OF SERVICE OF SUMMONS AND COMPLAINT

Case Number: Case No. CV-S-05-0848-RCJ(LRL)

I certify that I am authorized to serve the summons and complaint in the within action pursuant to F.R.Civ.P. 4(c) and that I served the summons and complaint as follows:

Person served and details of service:

Patricia L. Hough
74 Edgell Road
Gardner, Massachusetts 01440

Date and time of service: _____

In the following manner:

PERSONAL SERVICE

☐

PERSONAL SERVICE, by handing copies to the person served (F.R.C v.P.4(d)).

SUBSTITUTED SERVICE

☐

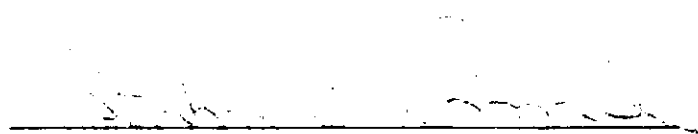
UPON AN INDIVIDUAL OTHER THAN AN INFANT OR AN INCOMPETENT PERSON, by delivering a copy of the summons and complaint to him personally or by leaving copies thereof at his dwelling house or usual place of abode, and mailing a copy via first class mail to the same address, in a manner consistent with Massachusetts Rule of Civil Procedure 4.4(1), pursuant to Fed. Rule of Civ. Proc. 4.

I declare under penalty of perjury that the foregoing document is true and correct.

Executed at _____, State of Massachusetts.

Dated: _____

By:



Name:

Title:

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF WORCESTER

AFFIDAVIT OF SERVICE

I, James J. Bankowski, being first duly sworn on oath deposes and says: That I am a citizen of the United States over the age of 21 years; that I have no interest whatsoever in the within entitled matter; that I am a regularly appointed Deputy Sheriff of Worcester County, Massachusetts, and as such have the power to serve civil processes within the said County.

[Faint, illegible text, possibly a signature or stamp]

[Faint, illegible text, possibly a signature or stamp]

[Faint, illegible text, possibly a signature or stamp]

Date:

Nancy P. Bankowski
Notary Public
My Commission Expires: 10/22/10

FILED UNDER SEAL

GREENBERG TRAURIG LLP

Mark G. Tratos (Bar No. 1086)
F. Christopher Austin (Bar No. 6559)
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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY
(CAYMAN) LTD., a Cayman Islands
company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF
MEDICINE FOUNDATION, a
Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

[PROPOSED]

ORDER TO LIFT SEAL

CONDITIONALLY UNDER SEAL

1 After consideration upon petition properly made by Plaintiff ST. MATTHEW'S
2 UNIVERSITY (CAYMAN) LTD. in the above-captioned case, and good cause having
3 been found therefore, IT IS HEREBY ORDERED:

4 The Court's "ORDER RE FILING UNDER SEAL," signed on July 15, 2005 and
5 entered on July 19, 2005, is hereby rescinded and the seal pursuant thereto lifted.

6
7 **IT IS SO ORDERED.**

8
9 DATED: _____

10
11 _____
12 UNITED STATES DISTRICT JUDGE

13
14
15
16 **SUBMITTED:**

17 Dated: February 3, 2006.

KRONENBERGER & ASSOCIATES

18
19 By: _____

Karl S. Kronenberger
Terri R. Hanley
Attorneys for Plaintiff
ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

22 Dated: February 3, 2006.

GREENBERG TRAURIG, LLP

23
24 By: _____

25 Mark G. Tratos
26 F. Christopher Austin
27 Ronald D. Green, Jr.
28 Designated Local Counsel for Plaintiff
ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

FILED UNDER SEAL

GREENBERG TRAURIG LLP
 Mark G. Tratos (Bar No. 1086)
 F. Christopher Austin (Bar No. 6559)
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 Fax: (415) 955-1158

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

**ST. MATTHEW'S UNIVERSITY
 (CAYMAN) LTD., a Cayman Islands
 company,**

Plaintiff,

vs.

**SABA UNIVERSITY SCHOOL OF
 MEDICINE FOUNDATION, a
 Netherland-Antilles company, et al,**

Defendants.

Case No. CV-S-05-0848-BES

[PROPOSED]

ORDER FOR ALTERNATIVE SERVICE

CONDITIONALLY UNDER SEAL

After consideration upon motion properly made by Plaintiff ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD. ("ST. MATTHEW'S") in the above-captioned case, and good cause having been found therefore, IT IS HEREBY ORDERED:

1. Defendants in the present case Thomas Moore, M.D. a.k.a. "presaaimg@hotmail.com" ("MOORE"), Sarah Weinstein a.k.a. "execsecaimg@hotmail.com" ("WEINSTEIN") and Rachael Silver ("SILVER") may be served with notice of summons pursuant to the provisions of Nevada Rules of Civil

1 Procedure, Rule 4(e)(1), by publication in the Nevada Appeal of Carson City, Nevada for
2 a period of four weeks, at least once a week during said time. The service of summons
3 shall be deemed complete at the expiration of four weeks from the first publication.

4 2. Each of Defendants MOORE, WEINSTEIN and SILVER may be served by
5 delivery of summons to Val-U-Corp Services, Inc. of Carson City, Nevada, as such agent
6 and address was designated for each such Defendant in AAIMG's corporate documents
7 filed with the State of Nevada.

8 3. Each of Defendants MOORE, WEINSTEIN and SILVER may be served by
9 email delivery of summons at both of the email addresses "presaaimg@hotmail.com"
10 and "execsecaaimg@hotmail.com," each of those Defendants having been shown to use
11 those addresses in communication concerning the present case. Service of summons
12 shall be deemed complete upon transmission with no error returned.

13 4. Counsel for Defendant Association of American International Medical
14 School Graduates, Inc. ("AAIMG") Nathan Reinmiller of Alverson, Taylor LLP in Las
15 Vegas, Nevada shall serve as agent for service of process for Defendants MOORE,
16 WEINSTEIN, and SILVER, stated officers of Defendant AAIMG.

17 The above allowances for service are collective and non-exclusive options.

18
19 **IT IS SO ORDERED.**

20
21 DATED: _____

22 _____
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28

1 SUBMITTED:

2 Dated: February 3, 2006.

KRONENBERGER & ASSOCIATES

4 By: 

5 Karl S. Kronenberger

6 Terri R. Hanley

7 Attorneys for Plaintiff

8 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.

9 Dated: February 6, 2006.

GREENBERG TRAURIG, LLP

11 By: 

12 Mark G. Tratos

13 F. Christopher Austin

14 Ronald D. Green, Jr.

15 Designated Local Counsel for Plaintiff

16 ST. MATTHEW'S UNIVERSITY (CAYMAN) LTD.